

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JEREMY V. PINSON §
VS. § CIVIL ACTION NO. 1:15cv256
JOHN FOX, ET AL. §

ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Jeremy V. Pinson, proceeding *pro se*, filed the above-styled civil rights lawsuit.

Plaintiff lists five prison officials, as well as the Bureau of Prisons, as defendants.

The court previously referred this matter to the Honorable Keith F. Giiblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of this court. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The Magistrate Judge recommends the lawsuit be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g).

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Plaintiff filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections. After careful consideration, the court is of the opinion that the objections are without merit. Plaintiff complains of events which occurred while he was incarcerated at the United States Penitentiary in Beaumont, Texas. Prior to filing his lawsuit, plaintiff was transferred to the United States Penitentiary in Florence, Colorado. Plaintiff's allegations concerning events which occurred in Beaumont do not establish he was in imminent danger of serious physical harm in Colorado on the date he filed his complaint. As a result, 28 U.S.C. 915(g) prohibits plaintiff from proceeding with this case on an *in forma pauperis* basis.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED** as the opinion of the court. A final judgment shall be entered in accordance with the recommendation of the Magistrate Judge.

So **ORDERED** and **SIGNED** this **6** day of **May, 2016**.



Ron Clark, United States District Judge